

M E M O R A N D U M

TO: Ralph Huddleston, Chairman & Planning Board
FROM: Dennis G. Lindsay, PE, Town Engineer &
Sean T. Hoffman, PE, Planning Board Consultant
SUBJECT: Orange County Turf/Glebocki
Site Plan, Special Permit and Lot Merger – Public Hearing
File No. 21-1-83 & 84; Memo No.83-12-013

DATE: April 17, 2012

CC: Neal Halloran, Building Inspector, Broderick Knoell, Highway Superintendent, Richard Golden, Esq., Ed Garling, AICP, Ryan McGuire (for applicant)

The following are our comments on an application for site plan, special permit and lot merger for a composting facility with wholesale operations on a combined 23.9-acres (total holdings) along Pulaski Highway (County Route 6) adjacent to Pumpkin Swamp Road (County Route 25) within the Agricultural-Industrial (AI) zone, the Flood Plain and Ponding Area Overlay (FP) and AQ-3 Overlay Districts.

Background/General – This matter was last before the Planning Board during your March 15, 2012 meeting. At that time, the applicant reviewed the plan modifications, you assumed lead agency status and scheduled a public hearing. The following comments are submitted for your consideration during the public hearing.

A) Materials Reviewed:

1. Correspondence by Pietrzak & Pfau Engineering and Surveying, PLLC dated April 5, 2012 responding to previous technical comments;
2. Plans by Pietrzak & Pfau Engineering and Surveying, PLLC as follows:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Revised</u>
1 of 3	Site Plan	04/14/2012
2 of 3	Existing Conditions	04/14/2012
3 of 3	Detail Sheet	04/14/2012
1 of 1	Driveway Work	04/04/2012

3. Project Narrative prepared by Pietrzak & Pfau Engineering and Surveying, PLLC, last revised April 2012.

B) Review of Submitted Materials:

1. Zoning – The applicant submitted correspondence detailing the plan revisions which guided our review. Comments have been repeated from previous reports where applicable; new comments indicated with [**].
 - a) Use – Applicant proposes a facility to compost and wholesale up to 10,000 cubic yards (CY) per year of material (hay, straw, yard waste, fruit and vegetable waste, wood chips, weeds and other vegetal matter). The Code §97-13B(8) allows composting in this zone subject to only site plan review (§97-75) if no more than 30% of the material to be composted is originated onsite. If greater than 30% of the material to be composted is from off-site sources, the application also requires a special permit per §97-13C(8). This applicant previously confirmed their intention for onsite wholesale operations (no retail).
 - b) Zoning Compliance Issues – Composting facilities must comply with the requirements of §97-58 including limitations on leachate infiltration, odor controls and separation distances from residences. To comply with the leachate requirements, the applicant proposes an impermeable barrier (geotextile) to facilitate leachate collection as described in the project narrative. In addition, we recommend your action include a requirement for offsite hauling and disposal of any leachate collected in the proposed lagoon when the lagoon reaches a predetermined maximum storage volume of one (1) foot below surrounding grade (see below).
 - c) Environmental Performance Standards – The Code (§97-50) includes performance standards for noise, dust, odor, traffic, etc. to limit potentially objectionable environmental aspects. These issues were discussed during your November 14, 2011 meeting and the applicant indicated the remote location and size of the composting operations (1 acre) relative to the total site (23.9 acres) should eliminate any potential impact to adjacent properties. We believe this is generally true if reasonable safeguards and operating procedures are followed.

During your November 17, 2011 meeting the Board expressed concerns regarding stump grinding, bags and waste sludge. The applicant has eliminated stump grinding from the development proposal; you may wish to include in your action confirmation of the prohibition on stump grinding and non-biodegradable bags. Waste sludge is to be routinely (monthly) collected and disposed offsite. We suggest any condition regarding waste sludge collection include a provision whereby the Building Inspector may, at his discretion, increase the time between sludge collection not less than one collection per year.

- d) Floodplain Overlay - The purpose the Flood Plain and Ponding Area Overlay (FP) district defined as in your Code is to protect human life, prevent material losses and reduce the cost to the public of rescue and relief efforts caused by the unwise occupancy of areas subject to floods and ponding (§97-25). The FP district is defined by the National Flood Insurance Mapping Program Flood Insurance Rate Maps as "A" ("Special Flood Hazard Areas") Zones for the one-hundred-year floodplain.

The Code [§97.25.C] requires an applicant to produce evidence that a means of vehicular access to the premises from an existing street is safe from flooding. The applicant has now extended the limits of the topographical survey to include the access road in its entirety and is proposing to raise the road above the floodplain to provide a safe vehicular access. Since these modifications are within the floodplain, a floodplain development permit from the Building Inspector is required. In accordance with the Code [§61A-14B(3)] the applicant is proposing to balance the road fill with a hydraulically equivalent volume of excavation. Pursuant to the Code [61A-13(c)], the Building Inspector is required to notify NYS DEC prior to issuing the permit and submit evidence of this notification to FEMA. [**]

- e) Special Permit – In order to ensure the compatibility of uses with surrounding properties, the Town Code permits certain uses only upon the issuance of a special permit by the Planning Board. Prior to granting or denying a major project¹ special permit, you are required to make specific findings in accordance with the Town Code [§97-73] (Informational).
2. Site Plan - Your Code (§97-75C) allows the Planning Board to waive or allow deferred submission of some site plan requirements as you deem appropriate. In this instance, the applicant has specifically requested waivers (see correspondence prepared by Pietrzak & Pfau dated September 29, 2011) from the requirements for lighting, landscaping and architectural elevations. We believe these waivers are generally reasonable given the limited nature of onsite improvements proposed.
- a) Site Layout –
 - 1. Access - The site is located along Pulaski Highway (County Route 6) adjacent to Pumpkin Swamp Road (County Route 25). Access is provided through a series of easements over three (3) adjacent lots, all listed as owned by Yurchuk. In accordance with Orange County Department of Public Work's request the applicant is proposing to regrade and pave the proposed driveway entrance on Pulaski Highway. [**]
 - 2. Parking – For unlisted uses, such as the proposed, the Code (§97-48A(3)) indicates parking should be appropriate for the circumstances. The applicant will require up to three (3) parking stalls for the employees and notes the site is sufficient in size to provide additional parking stalls if the need arises.
 - 3. Office – The plan shows a small (20' x 15' by scale) accessory structure which we understand from the narrative will be used as an office/storage building. This is identified as future in the applicant's correspondence but the narrative indicated it is proposed at this time. [**]

¹ Since the construction of the facility will alter 10,000 square feet of land the proposed is a major project.

b) Utilities –

1. Water – The applicant intends to utilize the existing well on the westerly side of the property. Information regarding quantity and quality should be provided. Unless there is adequate available information (recent well tests), we recommend performing well testing to demonstrate satisfactory quantity and quality for the proposed use.

The site is within the AQ3 Overlay Zone. Your Code (97-43.B; 97-27C & D) requires non-residential uses be evaluated on a case-by-case basis for impact on groundwater supply and quality. We understand the applicant only intends to utilize the well for composting if the proposed lagoon and existing pond are unavailable. The existing pond appears to be only partially within the applicant's parcel and you may wish to review with Attorney Golden the applicant's proposal to use water from this pond for composting. [**]

Any special fire protection needs or provisions should be noted. Adequate access for Fire Department should be considered in the layout and reviewed by Emergency Services to confirm acceptability.

2. Sanitary – The applicant proposes an onsite sewage disposal system and has provided deep and percolation test results. We recommend your action include witnessed testing prior to obtaining a building permit for the proposed office pursuant to your typical practice.

The absorption field is proposed in a location adjacent to the parking area and the applicant has added a small fence to keep vehicles and equipment away from the absorption field.

The plan lists six (6) trenches at 128. We believe this is a typographical error which should be revised to six (6) trenches at 28'.

3. Stormwater – The proposed area of disturbance is difficult to determine but with the addition of the access road work, it appears greater than the one (1) acre threshold for coverage under the NYSDEC SPDES General Permit for Construction Activities which requires the preparation of a stormwater pollution prevention plan (SWPPP). [**]

The plans include an 18,500 cf leachate evaporation lagoon within the composting area to collect and centralize leachate for recycle in connection with the composting process. The applicant has provided calculations demonstrating the lagoon should provide storage for approximately 20 weeks. Any excess leachate will be collected and disposed off site. The applicant has modified the proposed grading to ensure positive drainage. However, additional corrections may be necessary (392 counter missing from plan). [**]

4. Lighting & Landscaping – We understand no new landscaping is proposed and the applicant has requested a waiver from the Code requirements for this information. The drawing notes indicate the site is to operate between 6 AM to 6 PM which will include operations after dark; the applicant is proposing a new dark sky compliant light fixture.

c) Miscellaneous –

- Signs – The plan includes information on the proposed sign. We recommend you discuss the sign with the Building Inspector to determine if it is considered an off-premises commercial sign which is prohibited under your Code (§97-49C).
- Easements and covenants to be shown.
- Drawing Notes – Note 13 indicates no meat or dairy products are to be composted at this facility. We recommend this be a condition of your action.

C) Referrals Required

1. Orange County - 239 referrals
2. Emergency Services
3. Environmental Review Board